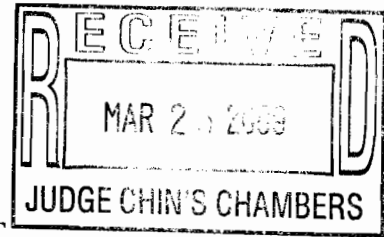




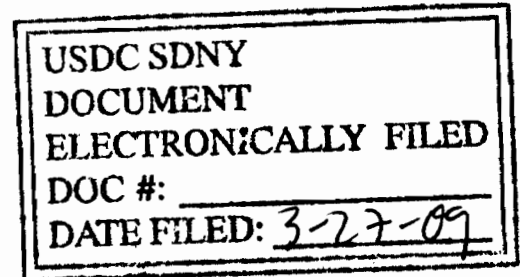
**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
PROBATION DEPARTMENT**



P 24233 /PAM

**TO:** Honorable Denny Chin  
U.S. District Court Judge

**FROM:** Peter A. Merrigan  
Supervising U.S. Probation Officer



Re: Curtis Duncan  
Docket No.: 1:99-cr00066-001(DC)

Enclosed is a matter from the U.S. Probation Office requesting consideration and/or review by Your Honor. Please forward this document and all attachments to the docketing clerk.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter A. Merrigan".

Peter A. Merrigan  
Supervising U.S. Probation Officer  
212-805-5129

DATE: March 23, 2009



United States District Court  
for the  
Southern District of New York

Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender  
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Curtis Duncan

Case Number 1:99CR00066-001(DC)

Name of Sentencing Judicial Officer: Honorable Denny Chin, United States District Judge

Date of Original Sentence: September 28, 1999

Original Offense: Armed Bank Robbery (18 U.S.C. 2133(a)(d)), a class B felony

Original Sentence: Eighty-Seven (87) months imprisonment, Five (5) years supervised release, \$600 special assessment fee, \$6000 restitution with the special condition of participating in a substance abuse program.

Type of Supervision: Supervised Release

Date Supervision Commenced: June 16, 2005

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

"For a period of up to six months, the defendant shall reside in a Residential Re-Entry Center (RCC) approved by the Probation Department. While in the RCC, the defendant shall adhere to all rules and conditions established by the CCC, including the payment of subsistence."

Request for Modifying the  
Conditions or Terms of Supervision  
with Consent of the Offender

P-24233 Prob 12B / Page 2

### **U.S. PROBATION OFFICER ACTION**

This office recently received correspondence from United States Probation Officer (USPO) Argyro Eleopoulos in the Eastern District of New York Probation Office who presently supervises Duncan requesting that we seek the above referenced modification of the conditions of supervised release

### **CAUSE**

Duncan commenced his supervised release term in the Eastern District of New York on June 16, 2005. Although he has maintained a stable residence in Queens, New York, Duncan informed that living with his brother, sister in law and their nine children has been challenging and burdensome. As a result, he has been unable to secure employment since July 2008, when he was terminated from Mc Donald's Restaurant for failure to report to work. United States Probation Officer (USPO), Argyro Eleopoulos has made several attempts to assist Duncan on securing employment including a referral to our in-house employment placement program. However, Duncan received an unfavorable discharged for failure to keep appointments. Since commencement of supervision, Duncan has made payments totaling \$550 towards the outstanding restitution balance of \$1,718, and currently has an outstanding balance of \$1,108.70.

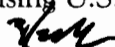
### **RECOMMENDATION AND JUSTIFICATION**

Based on the aforementioned, the Probation Department respectfully recommends that Duncan's conditions be modified to include that he resides in a Residential Re-Entry Center(RCC) for a period of up to six months. This modification will serve both as a punitive sanction for the offender's non-compliance and as an incentive to find employment. The latter should be accomplished since Duncan will not be allowed out of the RCC unless he finds a job. We note that the offender has agreed to the implementation of this modification as evidenced by the attached Probation form 49 signed on January 8, 2009.

Respectfully submitted by,



---

Peter A. Merrigan  
Supervising U.S. Probation Officer  
Date: 

Request for Modifying the  
Conditions or Terms of Supervision  
with Consent of the Offender

P-24233 Prob 12B / Page 3

1:99CR00066-001(DC)



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
PROBATION OFFICE

*Judicial Response*

☒ Court approves the Modification of Conditions as noted.

or

☐ Other

  
\_\_\_\_\_  
Signature of Judicial Officer

\_\_\_\_\_  
Date

3/27/09

PROB 49  
(NYEP-07/17/06)

Duncan, Ray

# United States District Court

## SOUTHERN DISTRICT OF NEW YORK

### Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and the assistance of counsel before any unfavorable change(s) may be made in my conditions of Probation and/or Supervised Release or before my period of supervision can be extended. By assistance of counsel, "I understand that I have the right to be represented at a hearing by counsel of my choosing if I am able to retain counsel. I also understand that I have the right to request that the Court appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel."

I hereby voluntarily waive my statutory right to a hearing and to the assistance of counsel. I also hereby agree to the following modification (s) of my conditions of Probation and/or Supervised Release or to the proposed extension of my term of supervision:

*For a period of up to six months, the defendant shall reside in a Residential Re-Entry Center (RRC) approved by the Probation Department. While in the RRC, the defendant shall adhere to all rules and conditions established by the RRC, including the payment of subsistence costs.*

Witness:

U.S. Probation Officer

Signed:

Probationer or Supervised Releasee

1/3/09

Date